

**Remarks**

Claims 23-37 are pending in the application.

A complete response to the Final Office Action was submitted on September 25, 2007 addressing each of the various objections and rejections.

This Preliminary Amendment is intended to address certain issues pertaining to the rejection under 35 U.S.C. §103 (a) of claims 23-37 as being unpatentable over U.S. Patent 5,844,620 to Coleman ("Coleman") in view of U.S. Patent 6,779,195 to Oishi ("Oishi") and U.S. Patent 7,150,029 to Ebling ("Ebling").

By this Preliminary Amendment, Applicants have amended claims 23, 28, and 33.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., just to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly

depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting, no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

**Rejection Under 35 U.S.C. §103(a)**

Claims 23-37 remain rejected under 35 U.S.C. §103 (a) as being unpatentable over Coleman in view of Oishi and Ebling. This ground of rejection is respectfully avoided.

The Advisory Action stated that while Applicants and Ebling do utilize different approaches to presenting the IPG data, the Applicants did not claim the features of the Applicants' invention that differ it from Ebling. The Office Action suggested amending the claims.

Applicants disagree that the combination of the prior art of record teach each and every element of the Applicants' claimed invention. Specifically, Applicants incorporate herein their arguments made in the response filed on September 25, 2007. Nonetheless, to further clarify Applicants' invention, independent claims 23, 28, and 33 have been amended to recite that the roster comprises a plurality of roster elements associated with the IPG pages "currently being received."

As discussed in the previous response, the Ebling invention requires both downloading and storing data, at the viewer's side. According to the Ebling invention, packets/data are found within network transport streams, acquired (received), and used to construct an IPG database from which a graphic-layer IPG page will be constructed. The Ebling invention does not involve or require a continuing process of receiving IPG pages. Once the data has been acquired, the process of receiving that data is over. This is entirely unlike the Applicants' claimed invention where there is a continuous process of receiving each IPG page, e.g., video transmitting.

Accordingly, because the Ebling reference does not teach or disclose at least the IPG pages "currently being received" or the roster containing references to such IPG pages and Coleman and Oishi fail to remedy this substantial gap, amended claims 23,

28, and 33 are patentable under 35 U.S.C. §103 over the combination of Ebling, Coleman and Oishi.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over combination of Ebling, Coleman and Oishi. Accordingly, claims 24-27, 29-32, and 34-37 are allowable over combination of Ebling, Coleman and Oishi under 35 U.S.C. §103.

Therefore, the rejection should be withdrawn.

### **Conclusion**

It is respectfully submitted that the Final Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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